

# SENATE JOURNAL OF THE IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-EIGHTH LEGISLATURE

SEVENTY-FIRST LEGISLATIVE DAY  
MONDAY, MARCH 20, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senator Marley, absent and formally excused by the Chair; and Senators Little, Pearce, Schroeder, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Denise Evans, Page.

The Senate advanced to the Third Order of Business.

## Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 16, 2006, and March 17, 2006, were read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

## Petitions, Resolutions, and Memorials

Senators Little and Schroeder were recorded present at this order of business.

### SCR 133

#### BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND  
AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT  
A COMMITTEE TO UNDERTAKE, CONTINUE AND  
COMPLETE A STUDY OF PROPERTY TAXATION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the excessive growth in property taxes is a significant concern in many parts of the state; and

WHEREAS, over the past three decades, there has been a cyclic array of property tax capping initiatives, laws and repeals, followed by different legislative enactments that, evidenced by the continued public concern, have not identified and resolved core problems of property tax growth; and

WHEREAS, the Legislature recognizes that property tax problems and consequences are multifaceted and no single purpose law or initiative will solve the diverse problems of excessive growth in property taxes; and

WHEREAS, the 2005 Legislative Interim Committee on Property Taxation received significant testimony throughout the state regarding growth in property taxes and legislation was passed in 2006 addressing certain, but not all, of the concerns; and

WHEREAS, resolution of the property tax problem will require additional investigation and evaluation options by the Legislature including, but not limited to:

(1) Creation of a new category of revenue sharing that would target part of the annual growth in general fund dollars of approximately twenty percent and distribute it to the counties in proportion to each county's share of the total state growth for the same year, measured by individual income tax collections, essentially, returning a portion of the new general fund revenues that a taxing district's residents produced for that year. This new revenue to local taxing districts, including schools, would be distributed to pay targeted costs of growth and backfill property tax cash flow delay, with each year providing a new distribution calculation.

(2) Bring back an improved version of Truth in Taxation. Idaho had this law for three years, in 1992 through 1994, and replaced it with the current three percent property tax cap. With one extraordinary exception, Idaho is the only state which enacted Truth in Taxation and later repealed it.

(3) Consider repealing Section 63-802, Idaho Code, or the three percent budget cap. One size fits all statewide caps cannot solve diverse local problems and needs.

(4) Consider local impact fees with a two-thirds vote for schools, cities and counties.

(5) Expand the local option sales tax law to cover all counties while still requiring a two-thirds vote with fifty percent of the proceeds dedicated for property tax relief.

(6) Consider taking the next step in phasing out personal property taxes by phasing out furniture and fixtures replaced by sales tax as was similarly done in 2001 for agricultural equipment.

(7) Establish a mechanism to evaluate the underlying public policy of each tax exemption to ensure that each one is useful and has not outlived its usefulness.

(8) Access more complete information regarding taxpayer classifications and amounts paid by classification, thus enabling better analysis of the effects and consequences and thus resulting in development of better public policy.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of property taxation with the committee using the work of the 2005 Interim Committee on Property Taxes and the work of the Legislature in 2006 as a starting point. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochair of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Fifty-ninth Idaho Legislature.

**SCR 133** was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

#### Reports of Standing Committees

March 20, 2006

The JUDICIARY AND RULES Committee reports that Senate amendments to **H 421** and **H 422** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 17, 2006

The JUDICIARY AND RULES Committee reports that **S 1250, S 1251, S 1252, S 1299, S 1311, S 1312, S 1318, S 1319, S 1320, S 1322, S 1323, S 1324, S 1326, S 1328, S 1335, S 1336, S 1345, S 1347, S 1362, S 1371, S 1375, S 1385, S 1391, S 1396, S 1416, S 1422, SJR 107, and SJM 118** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1250, S 1251, S 1252, S 1299, S 1311, S 1312, S 1318, S 1319, S 1320, S 1322, S 1323, S 1324, S 1326, S 1328, S 1335, S 1336, S 1345, S 1347, S 1362, S 1371, S 1375, S 1385, S 1391, S 1396, S 1416, S 1422, SJR 107, and SJM 118** and ordered them transmitted to the House for the signature of the Speaker.

March 17, 2006

The JUDICIARY AND RULES Committee reports that Enrolled **S 1256, S 1258, S 1302, S 1303, and S 1304** were delivered to the Office of the Governor at 3:15 p.m., March 17, 2006.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 17, 2006

The STATE AFFAIRS Committee reports out **S 1448** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, **S 1448** was referred to the Fourteenth Order of Business, General Calendar.

March 17, 2006

The FINANCE Committee reports out **H 801, H 802, H 803, H 804, and H 805** with the recommendation that they do pass.

CAMERON, Chairman

**H 801, H 802, H 803, H 804, and H 805** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

March 17, 2006

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Paul C. Agidius of Moscow, Idaho, was appointed as a member of the State Board of Education to serve a term commencing March 1, 2006, and expiring March 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Education Committee.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

Senator Pearce was recorded present at this order of business.

March 17, 2006

Mr. President:

I transmit herewith **H 800, H 736**, as amended, **H 808, H 809, H 810, H 811, H 812, and H 813** which have passed the House.

JUKER, Chief Clerk

**H 800, H 736**, as amended, **H 808, H 809, H 810, H 811, H 812, and H 813** were filed for first reading.

March 17, 2006

Mr. President:

I return herewith **S 1430, S 1431, S 1432, S 1434, S 1435,** and **S 1436** which have passed the House.

JUKER, Chief Clerk

**S 1430, S 1431, S 1432, S 1434, S 1435,** and **S 1436** were referred to the Judiciary and Rules Committee for enrolling.

March 17, 2006

Mr. President:

I transmit herewith Enrolled **HCR 47, HCR 60, HCR 36, HCR 37, HJM 14,** and **HJM 20** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **HCR 47, HCR 60, HCR 36, HCR 37, HJM 14,** and **HJM 20** and ordered them returned to the House.

March 17, 2006

Mr. President:

I return herewith Enrolled **S 1259, S 1260, S 1316, S 1317, S 1348, S 1360,** and **S 1383** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1259, S 1260, S 1316, S 1317, S 1348, S 1360,** and **S 1383** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

Senator Sweet was recorded present at this order of business.

The President Pro Tempore announced that **SP 101** was before the Senate for final consideration, the question being, "Shall the proclamation be adopted?"

On motion by Senator Cameron, seconded by Senator Stennett, **SP 101** was adopted by voice vote and the proclamation ordered filed in the office of the Secretary of the Senate.

The President Pro Tempore announced that **HCR 55** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Werk, seconded by Senator Coiner, **HCR 55** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1456

#### BY FINANCE COMMITTEE

#### AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN FUNDS FOR CAPITAL OUTLAY; APPROPRIATING MONEYS TO THE LAVA HOT SPRINGS FOUNDATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND PROVIDING CONDITIONS RELATING TO THE BAYHORSE MINE PROPERTY PURCHASE.

#### S 1457

#### BY FINANCE COMMITTEE

#### AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE USE OF SALARY SAVINGS; PROHIBITING THE TRANSFER OF PERSONNEL COST DOLLARS UNLESS AUTHORIZED BY THE BOARD OF EXAMINERS; REQUIRING THE DEPARTMENT OF CORRECTION TO COMPLY WITH THE OPEN COMPETITIVE BID PROCESS UNLESS THE BOARD OF EXAMINERS DECLARES AN EMERGENCY; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO VIDEO-TELECONFERENCING; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF THE GENERAL FUND; SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION; AND DECLARING AN EMERGENCY FOR SECTION 5 OF THIS ACT.

**S 1456** and **S 1457** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 421**, as amended in the Senate, and **H 422**, as amended in the Senate, by Revenue and Taxation Committee, were read the first time at length and filed for second reading.

**H 800**, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

**H 736**, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

**H 808, H 809, H 810, H 811, H 812,** and **H 813**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**S 1454** and **S 1455**, by Finance Committee, were read the second time at length and filed for third reading.

**H 793, H 794, H 797, H 798, and H 799**, by Appropriations Committee, were read the second time at length and filed for third reading.

**H 596, H 492, and H 466**, by Agricultural Affairs Committee, were read the second time at length and filed for third reading, Consent Calendar.

**H 594**, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

**H 723, H 695**, as amended in the Senate, and **H 717**, as amended in the Senate, as amended in the Senate, by State Affairs Committee, were read the second time at length and filed for third reading.

**H 676**, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

**S 1418**, as amended, by Finance Committee, was read the second time at length and filed for third reading.

**H 678 and H 679**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

**S 1243**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1243**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1386**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1386**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1423**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1423**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1449** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1449** passed, title was approved, and the bill ordered transmitted to the House.

**S 1450** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1450** passed, title was approved, and the bill ordered transmitted to the House.

**S 1451** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1451** passed, title was approved, and the bill ordered transmitted to the House.

**S 1452** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1452** passed, title was approved, and the bill ordered transmitted to the House.

**S 1393** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Coiner, Gannon, Langhorst, McKenzie, Schroeder, Stennett, Williams. Total - 11.

NAYS--Broadsword, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, McGee, Pearce, Richardson, Stegner, Sweet, Werk. Total - 23.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared that **S 1393** had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

**H 648**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 648**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 624**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly,

Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 624**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator McGee, granted by unanimous consent, **H 561**, as amended in the Senate, retained its place on the Third Reading Calendar.

**H 673**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Burkett, Burtenshaw, Cameron, Compton, Corder, Davis, Gannon, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Stegner, Stennett, Sweet, Werk. Total - 22.

NAYS--Andreason, Brandt, Bunderson, Coiner, Darrington, Fulcher, Geddes, Hill, Pearce, Richardson, Schroeder, Williams. Total - 12.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 673**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 637**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 637** passed, title was approved, and the bill ordered returned to the House.

**H 544**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Cameron, Coiner, Compton, Corder, Davis, Fulcher, Gannon, Goedde, Hill, Jorgenson, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Williams. Total - 19.

NAYS--Andreason, Bunderson, Burkett, Burtenshaw, Darrington, Geddes, Kelly, Keough, Langhorst, Malepeai, Stegner, Stennett, Sweet, Werk. Total - 14.

Absent and excused--Marley, Schroeder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 544** passed, title was approved, and the bill ordered returned to the House.

**H 472**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 472**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 634**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--McKenzie. Total - 1.

Absent and excused--Marley. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 634**, as amended, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

#### **Petitions, Resolutions and Memorials**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12 noon until the hour of 4:30 p.m. of this day.

#### **RECESS AFTERNOON SESSION**

The Senate reconvened at 4:30 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senators Marley and Sweet, absent and formally excused by the Chair; and Senators Cameron, Goedde, Keough, Little, Malepeai, Stegner, and Stennett, absent and excused.

Prior to recess the Senate was at the Fifth Order of Business, Petitions, Resolutions and Memorials.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

#### **Third Reading of Bills**

On request by Senator McGee, granted by unanimous consent, **H 561**, as amended in the Senate and having been held, was referred to the Fourteenth Order of Business, General Calendar.

Senators Cameron, Goedde, Keough, Little, Malepeai, Stegner, and Stennett were recorded present at this order of business.

**H 788** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 788** passed, title was approved, and the bill ordered returned to the House.

**H 652** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 652** passed, title was approved, and the bill ordered returned to the House.

**H 653** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 653** passed, title was approved, and the bill ordered returned to the House.

**H 722** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 722** passed, title was approved, and the bill ordered returned to the House.

**H 514** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 514** passed, title was approved, and the bill ordered returned to the House.

**H 515** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 515** passed, title was approved, and the bill ordered returned to the House.

**H 599** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **H 599** passed, title was approved, and the bill ordered returned to the House.

The President Pro Tempore called Senator Darrington to the Chair.

**H 734** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 734** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Werk, granted by unanimous consent, **H 712** retained its place on the Third Reading Calendar for one legislative day.

**H 696** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators McKenzie and Stennett arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 33.



NAYS--None.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 696** passed, title was approved, and the bill ordered returned to the House.

**H 724** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Corder, Fulcher, Geddes, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Pearce, Stegner, Werk, Williams. Total - 22.

NAYS--Cameron, Coiner, Compton, Darrington, Davis, Gannon, Goedde, Jorgenson, Richardson, Schroeder. Total - 10.

Absent and excused--Marley, Stennett, Sweet. Total - 3.

Total - 35.

Whereupon the Acting President declared **H 724** passed, title was approved, and the bill ordered returned to the House.

**H 688** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Werk, Williams. Total - 29.

NAYS--Cameron, Little, Lodge, Stegner. Total - 4.

Absent and excused--Marley, Sweet. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 688** passed, title was approved, and the bill ordered returned to the House.

**H 706** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Malepeai, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Werk, Williams. Total - 28.

NAYS--Coiner, Little, Lodge, Stegner. Total - 4.

Absent and excused--Brandt, Marley, Sweet. Total - 3.

Total - 35.

Whereupon the Acting President declared **H 706** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:05 p.m. until the hour of 9:30 a.m., Tuesday, March 21, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary